

Patent  
Attorney's Docket No. 704940-5002

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of

James J. HICKMAN

Application No.: 09/575,377

Filed: May 22, 2000

For: HIGH THROUGHPUT  
FUNCTIONAL GENOMICS

Group Art Unit: 1631

Examiner: M.P. Allen

Confirmation No.: 2330

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**CENTRAL FAX CENTER****APR 28 2006****BEST AVAILABLE COPY****SECOND INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with 37 C.F.R. § 1.56, the references listed on the attached Form PTO-1449 are being brought to the attention of the Examiner for consideration in connection with the examination of the above-identified patent application.

**I. Timing of the Information Disclosure Statement:**

This Information Disclosure Statement is filed:

- ☐ With the new patent application submitted herewith (37 C.F.R. § 1.97(a)).
- ☐ Within three months after the filing date of the application or within three months after the date of entry of the national stage of a PCT application as set forth in 37 C.F.R. § 1.491.
- ☒ Before the mailing date of a first Office action on the merits. In the event, however, that an Office Action has crossed in the mail with this Information Disclosure Statement, the Commissioner is hereby authorized to charge Deposit Account No. 50-2518 for any fees required pursuant to 37 C.F.R. §§ 1.17(p) or 1.17(i)(1).
- ☐ After a first Office Action on the merits but prior to the closing of prosecution, therefore under 37 C.F.R. § 1.97(c), the fee set forth in 37 C.F.R. § 1.17(p) is enclosed. This fee (\$180) should be charged to the undersigned's Deposit Account No. 50-2518.

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**BEST AVAILABLE COPY****II. Copies of the Cited Items:**

- ☒ Copies of all of the items listed on the attached Form PTO-1449 are enclosed.
- ☐ Copies of only the following items listed on the attached Form PTO-1449 are enclosed: \_\_\_\_\_
- ☐ Copies of items listed on the attached Form PTO-1449 are not supplied because they were previously cited by or submitted to the Patent Office in prior Application No. \_\_\_\_\_, filed \_\_\_\_\_, and relied upon in this application for an earlier filing date under 35 U.S.C § 120.  
*See 37 C.F.R. § 1.98(d).*
- ☐ Copies of those items which are marked with an asterisk (\*) in the attached Form PTO-1449 were cited in a foreign examination report in a related case. A copy of the search report and the cited references not already of record in this application are attached hereto.
- ☐ Pursuant to 37 C.F.R. § 1.98, a copy of each of the documents cited is enclosed. However, copies of the listed U.S. Patents and U.S. Patent Application Publications are not enclosed since it is no longer required.

**III. Conclusion:**

Citation of the above documents shall not be construed as:

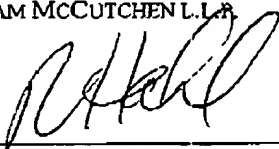
1. an admission that the documents are necessarily prior art with respect to the instant invention;
2. a representation that a search has been made, other than as described above; or
3. an admission that the information cited herein is, or is considered to be, material to patentability as defined in § 1.56(b).

It is respectfully requested that the Examiner indicate consideration of the cited references by returning a copy of the attached form PTO 1449 with initials or other appropriate marks.

The Commissioner is hereby authorized to charge Deposit Account No. 50-2518 for any additional fees required in connection with the filing of this Information Disclosure Statement.

Respectfully submitted,  
BINGHAM MCCUTCHEN LLP

Date: April 28, 2006

By:   
Robert W. Hahl, Ph.D.  
Registration No. 33,893

Bingham McCutchen LLP  
Three Embarcadero Center  
San Francisco, California 94111-4067  
Local Telephone: (202) 778-6150  
Local Facsimile: (202) 778-6155

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<b>SECOND INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> (Use as many sheets as necessary.)			<b>Complete if Known</b>		
			Application Number	09/5/5,377	
			Filing Date	May 22, 2000	
			First Named Inventor	James J. HICKMAN	
			Examiner Name	M.P. Allen	
			Confirmation No.	2330	
			Group Art Unit	1631	
			Attorney Docket Number	704940-5002	
Sheet	1	of	1		

U.S. PATENT DOCUMENTS					
Examiner Initials	Document Number	Kind Code (if known)	Name of Patentee or Applicant of Cited Document	Issue/Publication Date (MM-DD-YYYY)	

FOREIGN PATENT DOCUMENTS											
Examiner Initials	Document Number	Kind Code (if known)	Country	Date of Publication (MM-DD-YYYY)	STATUS						
					Translation	Partial Translation	Eng. Lang. Summary	Search Report	IPER	Abstract	Cited In Spec

NON-PATENT LITERATURE DOCUMENTS	
Examiner Initials	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.
	Developmental Brain Research "Neuronal and glial epitopes and transmitter-synthesizing enzymes appear in parallel with membrane excitability during neuroblastoma X glioma hybrid differentiation" Ma, et al., Developmental Brain Research 106, pp: 155-163 (1998)

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with M.P.E.P. § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

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